

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re: Commonwealth Business Credit, LLC

Case No. 21-31507

Debtor.

Chapter 7

Judge JOHN P. GUSTAFSON

MOTION FOR TURNOVER AND ACCOUNTING

Now comes Ericka Parker, Trustee in the above captioned case, (“Trustee”), by and through undersigned counsel, and hereby respectfully moves this Court, pursuant to 11 U.S.C. §§ 323, 541 and 542, for an Order directing Waterford Bank, N.A. (“Waterford”) to do the following:

(A) Turn over the following documents:

- (1) any and all Notes the Debtor has with Waterford;
- (2) any and all financial statements statement submitted to Waterford by the Debtor and its principals, Richard Scheich and James DelVerne;
- (3) any and all assignments of assets provide by the Debtor to Waterford;
- (4) any applications made by the Debtor and its principals, Richard Scheich and James DelVerne, to Waterford for financing;
- (5) any guarantees executed by any person or entity, including Richard Scheich and James DelVerne, with respect to any financing extended by Waterford to the Debtor;
- (6) copies of any notices/letters sent regarding the collection on any accounts of the Debtor in which Waterford maintains and/or asserts an interest; and
- (7) any other documents in the possession of Waterford which the Debtor would be entitled to obtain upon request.

(B) Turn over any funds received by Waterford, since the commencement of this case on August 21, 2021, on any of the Debtor’s accounts in which Waterford holds and/or asserts an interest, whether as security or by assignment.

(C) Provide an accounting of all funds received by Waterford from the Debtor, whether as a direct payments from the Debtor, or as payments received on any of the Debtor's accounts in which Waterford holds and/or asserts an interest, whether as security or by assignment.

WHEREFORE, the Trustee respectfully requests this Court to enter an Order directing that Waterford Bank, N.A. turnover to the Trustee those documents set forth in paragraph (A), above, (2) directing that Waterford turnover those funds set forth in paragraph (B), above, (3) directing that Waterford provide an accounting with respect to paragraph (C), above, and (4) that the Court enter any other relief in favor of the Trustee it deems just and equitable.

Respectfully submitted

/s/Eric R. Neuman
Eric R. Neuman (0069794)
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NOTICE PURSUANT TO LOCAL RULE

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this case. If you do not have an attorney, you may wish to consult one. Under Local Bankruptcy Rule 9013-1 and 4:08, unless a written response to the Motion is filed with the Clerk of the Court and served on the moving party and the Office of the U.S. Trustee, objecting to the relief requested within fourteen (14) days, the Court may deem the opposition waived, treat the motions as conceded, and issue an order granting the requested relief without further notice of hearing.

/s/Eric R. Neuman
Eric R. Neuman

CERTIFICATION

I, Eric Neuman, do hereby certify that a copy of this Motion for turnover and accounting was sent this 22nd day of October 2021, to the list of creditors and/or interested parties listed below.

/s/Eric R. Neuman

Eric R. Neuman

Notice will be electronically mailed to:

- Patricia B. Fugee patricia.fugee@fisherbroyles.com, cpbf11@trustesolutions.net
- Thomas W. Heintschel theintschel@fhk-law.com
- Scot A. Hinshaw hinshaw@nwklaw.com
- Brian C. Kalas kalas@nwklaw.com, denise@nwklaw.com
- Eric R. Neuman eric@drlawllc.com,
kim@drlawllc.com;r50765@notify.bestcase.com;Adam@drlawllc.com;raymond@drlawllc.com;l
eanne@drlawllc.com
- Ericka S. Parker Trustee esparker@sbcglobal.net, oh04@ecfbis.com
- United States Trustee (Registered address)@usdoj.gov

Notice will be mailed to:

Waterford Bank, N.A.
Attn: Michael Miller, Chairman and CEO
3900 N McCord Rd.
Toledo, OH 43617
(via certified mail)

Thomas W. Heintschel
Frederickson, Heintschel & King co., L.P.A.
405 Madison Avenue, Suite 1212
Toledo, Ohio 43604